

United States Court of Appeals
For the Eighth Circuit

No. 12-1130

United States of America

Plaintiff - Appellee

v.

Erick Dewray Russell, also
known as Kenyatta Dewray Khalid

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota - St. Paul

Submitted: December 10, 2012

Filed: December 21, 2012

[Unpublished]

Before WOLLMAN, BYE, and BENTON, Circuit Judges.

PER CURIAM.

Erick Dewray Russell violated the terms of his supervised release. The district court¹ revoked his release and sentenced him to twelve months and one day in prison. Russell appeals, arguing that the sentence is unreasonable because it is greater than necessary to accomplish the goals of sentencing and does not reflect the mitigating facts he presented. We conclude that the district court did not abuse its discretion in imposing the sentence. See United States v. Petreikis, 551 F.3d 822, 824 (8th Cir. 2009) (standard of review). Our review of the record satisfies us that the district court gave due consideration to Russell's arguments for mitigation and that Russell otherwise has not overcome the presumption of reasonableness we accord to sentences within the advisory Guidelines range. See id. (revocation sentence within the Guidelines range is accorded presumption of substantive reasonableness on appeal). The sentence is affirmed.

¹The Honorable David S. Doty, United States District Judge for the District of Minnesota.